

Adopted as follows:

Yeas — Council Members Ayers, Benson, Leland, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.

Nays — None.

**Department of Public Works
City Engineering Division**

August 10, 2018

Honorable City Council:

Re: Petition No. 1361 Gaugi Properties Group Inc. request to vacate alley between the properties located at 4201 Livernois Avenue and 4237 Livernois Avenue as well as 4237 Livernois Avenue and 4332 Gilbert Avenue.

Petition No. 1361 by Gaugi Properties Group Inc. request to vacate and convert to easement the east part of the east-west public alley, 18 feet wide, first north of Michigan Avenue in the block of Michigan Avenue, 120 feet wide, Morton Street, 50 feet wide, Gilbert Avenue, 53 feet wide, and Livernois Avenue, 120 feet wide.

The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.

The request is being made for commercial development and land parcel combination.

The request was approved by the Solid Waste Division - DPW, Traffic Engineering Division - DPW and City Engineering - DPW.

Detroit Water and Sewerage Department (DWSD) has no objection to the conversion to easement. The specific DWSD provisions for easements are included in the resolution.

DTE Energy-electric reports involvement and access must be maintained to their facilities. A provision for DTE Energy access is included in the resolution.

All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,
RICHARD DOHERTY, P.E.

City Engineer

City Engineering Division — DPW

By Council Member Benson:

Resolved, That all of the east part of the east-west public alley, 18 feet wide, first north of Michigan Avenue in the block of Michigan Avenue, 120 feet wide, Morton Street, 50 feet wide, Gilbert Avenue, 53 feet wide, and Livernois Avenue, 120 feet wide and further described as: Land in the City of Detroit, Wayne County, Michigan, being the public alley 18 feet wide lying

northerly of and adjoining the northerly line of Lots 3 through 9, both inclusive and the easterly 13.96 feet of Lot 10, and lying southerly of and adjoining the southerly line of Lot 12 "F. X. Starks Re-Subdivision of Lots 1 to 10 (both inclusive) part of Lot 11 and vacated alley of Starks Subdivision of the Southeast 2 acres of Lot 10, P.C. 266 and Lots 1 & 2 of William B. Wesson's Subdivision of Lot 10 and Wesson and Ingersol's Subdivision of Lot 8 of P.C. 266" Detroit, Mich." as recorded in Liber 27, Page 3 of Plats, Wayne County Records.

Be and the same is hereby vacated as a public right-of-way and converted into a private easement for public utilities of the full width of the right-of-way, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said rights-of-way and by their heirs, executors, administrators and assigns, forever to-wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public alley herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public alley in the City of Detroit, with the right to ingress and egress at any time to and over said easements for the purpose above set forth,

Second, said utility easement or right-of-way in and over said vacated alley herein above described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned task, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition,

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls (except necessary line fences), shall be built or placed upon said easement,

nor change of surface grade made, without prior approval of the City Engineering Division - DPW.

Fourth, that if the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of any existing poles or other utilities in said easement; such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners,

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and

Provided, That DTE Energy-electric has access to their equipment at all times for maintenance and restoration to insure the reliability of electric service to the area, and be it further

Provided, That an easement, the full width of the existing right-of-way, is reserved for the Detroit Water and Sewerage Department for the purpose of installing, maintaining, repairing, removing, or replacing any sewers, water mains, fire hydrants and appurtenances, with the right of ingress and egress at any time to, and over said easement for the purpose above set forth; and be it further

Provided, That free and easy access to the sewers, water mains, fire hydrants and appurtenances within the easement is required for Detroit Water and Sewerage Department equipment, including the use of backhoes, bull dozers, cranes or pipe trucks, and other heavy construction equipment, as necessary for the alteration or repair of the sewer or water main facilities; and be it further

Provided, That the Detroit Water and Sewerage Department retains the right to install suitable permanent main location guide post over its water mains at reasonable intervals and at points deflection; and be it further

Provided, That said owners of the adjoining property, for themselves, their heirs and assigns, agree that no building or structure of any nature whatsoever, including porches, patios, balconies, etc., shall be built upon or over said easement, or that no grade changes or storage of materials shall be made within said easement without prior written approval and agreement with the Detroit Water and Sewerage Department; and be it further

Provided, That if any time in the future, the owners of any lots abutting on said vacated alley shall request the removal and/or relocation of the aforementioned utilities in said easement, such owners shall pay all costs incident to such removal and/or relocation. It is further provided that if sewers, water mains, and/or appurtenances in said easement shall break or be damaged as a result of any action on the part of the owner, or assigns, then in such event, the owner or assigns shall be liable for all costs incident to the repair of such broken or damaged sewers and water mains, and shall also be liable for all claims for damages resulting from his action; and be it further

Provided, That if it becomes necessary to remove the paved alley return at the entrance (into Livernois Avenue) such removal and construction of new curb and sidewalk shall be done under city permit and inspection according to City Engineering Division - DPW specifications with all costs borne by the abutting owner(s), their heir or assigns; and further

Provided, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 1361
 GAUGI PROPERTIES GROUP INC.
 8930 MCGRAW AVE.
 DETROIT, MICHIGAN 48210
 C/O VINNIE SHOKRIE
 PHONE NO. 313 289-0165



- CONVERSION TO EASEMENT

(FOR OFFICE USE ONLY)

CARTO 13 E

B						CONVERSION TO EASEMENT THE EAST PORTION OF THE EAST/WEST PUBLIC ALLEY, VARIOUS WIDTHS IN THE BLOCK BOUND BY LIVERNOIS, MICHIGAN, GILBERT AVE. AND MORTON ST.		CITY OF DETROIT CITY ENGINEERING DEPARTMENT SURVEY BUREAU	
A		WLW	KSM	KSM	1/19/17				
DESCRIPTION		DRWN	CHKD	APPD	DATE				
DRAWN BY		CHECKED							
DATE		APPROVED							

Adopted as follows:
 Yeas — Council Members Ayers, Benson, Leland, Castaneda-Lopez, McCalister, Jr., Sheffield, Spivey, Tate, and President Jones — 9.
 Nays — None.

Department of Public Works
City Engineering Division
 July 18, 2018

Honorable City Council:
 Re: Petition No. 1847 — XLNC INVEST LLC, request to temporarily close two alleys in the area of 11345-11385 Greenfield Road.
 Petition No. 1847 of XLNC INVEST LLC, request for the renewal of the temporary closure of the north-south public alley, 18 feet wide (previously closed on a

temporary basis by a resolution adopted on November 20, 2012 J.C.C. pages 2300-01); also the east-west public alley, 18 feet wide, all in the block of Elmira Avenue, 60 feet wide, Plymouth Avenue, 86 feet wide, Winthrop Avenue, 60 feet wide, and Greenfield Avenue, 106 feet wide.

The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.

The last petition (#2224) to temporarily close the referenced north-south alley was granted by City Council on November 20, 2012 (J.C.C. pages 2300-01) for a period of 5 years has expired. The property owner at 11245-11385 Greenfield uses the alleys as access to parking for the